

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

United States of America,

Case No. 3:05CR781

Plaintiff

v.

ORDER

John A. Martinez,

Defendant

In September, 2006, the late Hon. David A. Katz sentenced the defendant, following his convictions by a jury on various drug trafficking charges, to, *inter alia*, a term of 288 months. The jury acquitted defendant of conspiracy to possess with intent to distribute cocaine base and possession with intent to distribute cocaine base. Thereafter, pursuant to 18 U.S.C. § 3782(c)(2), Judge Katz reduced his sentence to 240 months.

Pending are the defendant's motions under the First Step Act for reduction of his sentence. (Docs. 848, 849). Per standing order, the Federal Public Defender has reviewed the defendant's motion. (Doc. 850). He has concluded – and by all means correctly so – that the defendant is not eligible for relief under the FSA, as his reduced sentence is the mandatory minimum for the defendant's conviction, and the sentence was imposed for an offense involving cocaine, rather than cocaine base.

It is, therefore,

ORDERED THAT the defendant's motions for reduction of sentence (Docs. 848, 849), be, and the same hereby are, denied. Jurists of reason could not rationally dispute this decision, and no appeal shall be allowed without prepayment of the requisite filing fee.

So ordered.

/s/ James G. Carr
Sr. U.S. District Judge